

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

23-CR-6080

THOMAS J. LOEWKE,

Defendant.

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**STATEMENT OF THE GOVERNMENT  
WITH RESPECT TO SENTENCING FACTORS**

**PLEASE TAKE NOTICE** that the government has reviewed the Presentence Investigation Report, dated July 31, 2023 (Dkt. 21) (the “PSR”) and has no objections thereto.

Upon the ground that the defendant has assisted authorities in the investigation or prosecution of the defendant’s own misconduct by timely notifying authorities of the defendant’s intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(b).

As noted in the plea agreement and PSR, the United States Sentencing Commission has published a proposed amendment adding Guidelines § 4C1.1 (Adjustment for Certain Zero-Point Offenders), which would result in a two-level reduction in the defendant’s base offense level. The government agrees that a downward variance of two levels in the defendant’s base offense level should be granted.

Respectfully, based upon the factors discussed in the PSR and pursuant to the plea agreement, **the government asks the Court to impose a term of imprisonment of 8 to 14 months**. The government submits that such a sentence will satisfy the sentencing factors that the Court is required to consider pursuant to Title 18, United States Code, Section 3553(a).

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least three (3) business days prior to sentencing.

The defendant is required by 18 U.S.C. § 3013 to pay the sum of \$100 at the time of sentencing. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check or certified funds to the United States District Court Clerk.

It is requested that the Court order that all financial obligations be due immediately. In the event the defendant lacks the ability to immediately pay the financial obligations in full, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Recovery Division  
U.S. Attorney's Office WDNY  
138 Delaware Avenue  
Buffalo, New York 14202

If a letter is not received within ten (10) days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

DATED: Rochester, NY, October 19, 2023

TRINI E. ROSS  
United States Attorney

BY:



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